

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ACCESS 4 ALL, INC., a Not-for-Profit
Corporation, and PETER SPALLUTO,
Individually,

Plaintiffs,

v.

BRE/SWISS, LLC, a Delaware Limited
Liability Company,

Defendant.

Case Number: 1:04-cv-12154-MLW

JOINT SCHEDULING STATEMENT
PURSUANT TO LOCAL RULE 16.1(D)

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(d), the parties submit the following joint statement in connection with the Scheduling Conference to be held on April 6, 2005:

1. **Matters to be Discussed at Conference.** The parties will appear prepared to discuss the following issues:

- a. A proposed pre-trial schedule for the case that includes the plan for discovery and deadlines;
- b. Anticipated dispositive and pre-trial motions;
- c. Alternative Dispute Resolution; and
- d. Settlement.

2. **Procedural Motions and other Pending Matters.** There are no pending motions currently before the Court.

3. **Schedule for Discovery.** The parties have agreed on the following discovery schedule:

Proposed beginning of Trial Term app.	September 18, 2005
<u>Events</u>	<u>Date</u>
Cut-off date for Fed.R.Civ.P. 26(f) Conference:	March 16, 2005
Joint Statement Submitted by the Parties by:	April 1, 2005
Cut-off date for amendments to the pleadings:	May 26, 2005
Cut-off Disclosure of Expert Reports:	
By Plaintiff:	May 26, 2005
By Defendant:	June 5, 2005
Cut-off of Discovery:	June 15, 2005
Proposed beginning of Trial Term:	September 18, 2005

4. **Discovery Limits.** The parties have agreed that discovery be conducted pursuant to the limits set forth in Local Rule 26.1(C). The parties have further agreed that all discovery requests must be propounded no later than 33 days prior to the close of discovery. Each party shall reserve its or his right to seek by motion additional discovery, with good cause shown.

5. **Settlement.** The parties have agreed that settlement is likely, but do not at this time request a settlement conference before a Magistrate Judge.

6. **Trial by Magistrate Judge.** At this time, the parties are not prepared to consent to trial by a Magistrate Judge.

7. **Budget and Alternative Dispute Resolution.** Counsel for the parties have conferred with their respective clients concerning establishing a budget for litigation and the use of Alternative Dispute Resolution. The parties are willing to participate in mediation in an attempt to resolve this matter and have agreed on, or will attempt to agree upon, a

mutually acceptable mediator. The parties will file their certifications required pursuant to Local Rule 16.1(D)(3) on or before the Rule 16 hearing.

8. **Modification of Schedule.** All dates set forth herein may be modified by written agreement of the parties and approval of the Court, or upon motion of the Court for good cause shown.

Date: On this 30 day of March, 2005.

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